

**UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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IN RE: Brian Wharton  
Debtor(s)

:  
: Chapter 13  
:  
: No. 24-10503-DJB

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**NOTICE OF MOTION, RESPONSE DEADLINE AND HEARING DATE**

The debtor(s), Brian Wharton, has/have filed a Motion For Court Approval of Modification of the Amended Chapter 13 Plan with the court.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case/adversarial proceeding. (If you do not have an attorney, you may wish to consult one.)**

1. If you do not want the court to grant the relief sought in the motion or if you want the court to consider your views on the motion, then on or before May 8, 2025 you or your attorney must do all of the following:

(a) file an answer explaining your position at

Clerk of the Bankruptcy Court  
United States Bankruptcy Court  
For the Eastern District of Pennsylvania  
Robert C. Nix Building  
900 Market Street  
Philadelphia, PA 19107

If you mail your answer to the Bankruptcy clerk's office for filing, you must mail it early enough so that it will be received on or before the date stated above; and

(b) mail a copy to the movant's attorney:

Anthony A. Frigo  
The Law Offices of Anthony A. Frigo  
175 Strafford Ave., Suite One  
Wayne, PA 19087  
(610) 687-7784

1. If you or your attorney do not take the steps described in paragraphs 1(a) and 1(b) above and attend the hearing, the court may enter an order granting the relief requested in the motion.

2. A hearing on the motion is scheduled to be held before the Honorable Derek J. Baker on May 15, 2025 at 9:30 AM in Courtroom #2, United States Bankruptcy Court, Robert C. Nix Sr. Building, 900 Market Street, Philadelphia, PA 19107. ALL HEARINGS can be attended by video conference or in-person at 900 Market Street, 2nd floor. Option for VIDEO

participation on ZOOMGOV.COM with JOIN Meeting ID: 161 0657 4791.

3. If a copy of the Motion is not enclosed, a copy of the motion will be provided to you if you request a copy from the attorney named in paragraph 1(b).

4. You may contact the Bankruptcy Court Office at (215) 408-2800 to find out if the hearing has been cancelled because no one filed an answer.

Date: April 18, 2025

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**MOTION FOR COURT APPROVAL OF MODIFICATION OF AMENDEDD  
CHAPTER 13 PLAN**

1. The above-referenced Chapter 13 Bankruptcy was filed on February 15, 2024.
2. The Chapter 13 Bankruptcy was assigned case number 24-10503.
3. Debtor filed an Amended Plan with the Court on September 18, 2024.
4. Said Plan was Confirmed on October 3, 2024.
5. Debtor fell behind in payments to Pennymac Loan Services, LLC and a Motion for Relief was filed on February 14, 2025.
6. Debtor and Pennymac Loan Services, LLC settled their dispute, and a Stipulation was filed on April 15, 2025 and the Order resolving the Motion for Relief was signed by this Court on April 17, 2025. (True and correct copies of the Stipulation and Order are attached hereto, made a part hereof and marked as Exhibits "A" and "B" respectively.)
7. Debtor proposes to modify her Plan as per the Proposed Amended Plan attached hereto and marked Exhibit "C".
8. Debtor's, at the time of filing their bankruptcy petition, showed income that was above the applicable median family income.
9. The Proposed Plan proposes a new plan payment of \$1,261.00 for 45 months

and a single plan payment of \$1,253.26 in the last month of the plan which is an increase of 181.87.

10. Debtor's filed Schedule J indicates that there is \$1,342.15 of disposable income. (A true and correct copy of the Debtor's Schedule J is attached hereto, made a part hereof and marked as Exhibit "D".)

**WHEREFORE**, for the reasons stated herein-above, the Debtor(s) respectfully requests that the proposed Motion to Modify Plan be granted.

Dated: April 18, 2025

/S/ Anthony A. Frigo  
Anthony A. Frigo, Esquire  
175 Strafford Ave., Suite On  
Wayne, PA 19087  
(O) 610.687.7784  
(F) 610.687.7783  
Anthonyfrigo@msn.com

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**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2024 at Philadelphia it is  
**ORDERED AND DECREED** that:  
the modification of the Chapter 13 Plan is approved.

Cc: See attached service list

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Patricia M. Mayer  
United States Bankruptcy Judge

**Debtor**

Brian Wharton  
1111 Meadowbrook Lane  
Darby, PA 19023

**Trustee**

Kenneth E. West  
Chapter 13 Standing Trustee  
P.O. Box 1229  
Philadelphia, PA 19105

**Debtors Attorney**

Anthony A. Frigo  
175 Strafford Ave., Suite One  
Wayne, PA 19087

**United States Trustee**

Office of the U.S. Trustee  
Via ECF

**Counsel for Movant**

Denise Carlon, Esquire  
c/o KML Law Group, P.C.  
701 Market Street, Suite 5000  
Philadelphia, PA 19106

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**CERTIFICATE OF SERVICE**

TO THE CLERK OF THE BANKRUPTCY COURT:

I, Anthony A. Frigo, Esquire, Attorney for the Debtor(s), hereby certify that a true and correct copy of the foregoing Notice of Motion, Motion to Modify Plan, and Proposed Order have been served this 18<sup>th</sup> day of April 2025, by First Class United States Mail, postage prepaid or electronic means upon parties on the attached list and all interested parties:

April 18, 2025

/S/ Anthony A. Frigo  
Anthony A. Frigo, Esquire  
175 Strafford Ave., Suite On  
Wayne, PA 19087  
(O) 610.687.7784  
(F) 610.687.7783  
Anthonyfrigo@msn.com

**Debtor**

Brian Wharton  
1111 Meadowbrook Lane  
Darby, PA 19023

**Trustee**

Kenneth E. West  
Chapter 13 Standing Trustee  
P.O. Box 1229  
Philadelphia, PA 19105

**Debtors Attorney**

Anthony A. Frigo  
175 Strafford Ave., Suite One  
Wayne, PA 19087

**United States Trustee**

Office of the U.S. Trustee  
Via ECF

**Counsel for Movant**

Denise Carlon, Esquire  
c/o KML Law Group, P.C.  
701 Market Street, Suite 5000  
Philadelphia, PA 19106



EXHIBIT A

EXHIBIT A

EXHIBIT B